

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance are respectfully requested. By this Amendment, claims 1, 14, 25, 36, 43, and 44 are amended. Thus, claims 1-44 are pending for further examination.

Claims 1-35 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Itou (U.S. Patent No. 6,439,998) in view of Nakatani et al. (U.S. Patent No. 5,720,663), and Okita et al. (U.S. Patent No. 6,422,945). Claims 36 and 37 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Itou in view of Nakatani et al. and Suzuki et al. (U.S. Patent No. 5,592,609). Claims 38-44 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Itou in view of Nakatani et al and Komoto (U.S. Patent No. 6,273,814). These rejections are respectfully traversed for at least the following reasons.

As explained in detail in Applicant's Pre-Appeal Brief Request for Review (which resulted in prosecution being reopened), the claim 1 recitation of "one or more second storage locations for storing for a plurality of enemies, one or more operation timing patterns indicating the optimal timing of one or more sequential player inputs to the input in association with the corresponding enemy" and the similar recitations in the other independent claims are not taught or suggested in the cited art. The new Office Action (i.e., the Action following Applicant's successful Pre-Appeal Brief) now points to col. 6, lines 44-64 of Okita as allegedly disclosing these features. This portion of Okita does appear to teach a "target motion pattern storage" location -- at least in some sense. However, when carefully considered, it becomes clear that the target motion pattern storage 43 of Okita indicates how the targets therein are to be "displaced" from position-to-position. Thus, although this teaching of Okita is similar to the above-noted claim feature of claim 1 (and the corresponding features of the other independent claims), there

still are significant patentable differences, at least because this portion of Okita fails to teach or suggest that the patterns therein indicate “the optimal timing of one or more sequential inputs to the input in association with the corresponding enemy.” In other words, although this teaching of Okita appears to be related to how an enemy character can move around in the display of Okita, it does not relate to the optimal timing for accepting user inputs corresponding to the way in which the enemy character moves, as effectively called for in the claims. The § 103 rejections therefore are erroneous, as the cited art fails to teach or suggest each and every feature of at least the independent claims.

Additionally, the alleged combination of references also fails to teach or suggest the input pattern changing program logic circuitry of claim 1, and the corresponding features of the other independent claims. In particular, although Itou, like many other computer game related patents, describes a particular game in which characters can be moved around, it fails to teach or suggest actually displaying “an input pattern stored for at least one enemy appearing in said battle scene.” In other words, the claims contemplate a difference between simply moving the character, and displaying the pattern in which the enemy character moves, separate from the movement itself. See, for example, reference numeral 78 in Fig. 6(B), and the various patterns shown in Figs. 7(A)-(I). This is yet a further failing of the alleged combination.

Still further, Applicant reiterates the prior observation that Itou merely teaches player characters and enemy characters “taking turns in a battle.” This aspect of Itou means that it is fundamentally incompatible with techniques, such as those disclosed in Okita and required by the claimed invention, that essentially require the simultaneous movement of both the player character and the enemy character. To further emphasize this fundamental distinction (but without acquiescing to the propriety of the rejection), Applicant has amended the independent

claims to make clear that the characters in the game world are simultaneously and independently movable during game play.

As a final note, Applicant respectfully submits that the Office Action has not adequately explained why one of ordinary skill in the art at the time of the invention would have combined Itou, Nakatani, and Okita in the manner alleged. Indeed, it is unclear from the one-sentence bridging pages 3-4 of the Office Action why one of ordinary skill in the art actually would have combined these references, and how doing so would result in the claimed invention. As best Applicant can discern, the rationale for combining the references relates to providing “a means for detecting the player input in the game and hence . . . carry[ing] the operation in response to the input of the player in a specified and predetermined timing period.” However, each of the prior art references necessarily must detect player input in order to be a viable game. In other words, it is hard to envision having a game that a player plays without accepting inputs from the player in a specified and predetermined timing. As such, the rationale advanced in the Office Action is highly suspect and indicative of a hindsight reconstruction of the claims, at least because it fails to set forth a plausible reason why the references should be combined.

Accordingly, reconsideration and withdrawal of all outstanding rejections are respectfully requested.

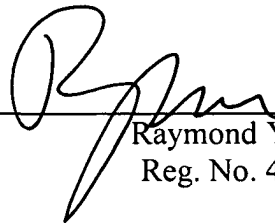
In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of this application are earnestly solicited. Should the Examiner have any questions regarding this application, or deem that any formalities need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

ITOI et al.
Appl. No. 10/829,393
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Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

A handwritten signature in black ink, appearing to read 'R. Mah', is written over a horizontal line.

Raymond Y. Mah
Reg. No. 41,426

RYM:jr
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100